

## **MINUTES, LIMESTONE COUNTY COMMISSION, NOVEMBER 14, 2012**

The Limestone County Commission reconvened the meeting from November 5, 2012 at 10:00 a.m. today at the Washington Street Courthouse Annex, 310 West Washington Street, Athens, AL.

Chairman Menefee welcomed Commissioner Ben Harrison and Commissioner Steve Turner to the Commission.

Present: Gary Daly, Steve Turner, James W. "Bill" Latimer, and Ben Harrison. Absent: None. Stanley Menefee, Chairman presided.

**MOTION** was made by James W. "Bill" Latimer and seconded by Gary Daly to approve the following resolution.

### **LIMESTONE COUNTY COMMISSION MEETINGS Adopted November 14, 2012**

Regular Commission meetings are scheduled on the first and third Monday of each month at 10 a.m., unless meeting day falls on a legal holiday or for unforeseen circumstances.

Commission meetings are held at the Clinton Street Courthouse Annex, 100 South Clinton Street, Athens, Alabama.

Work Sessions are held at the Washington Street Courthouse Annex, 310 West Washington Street, on the Wednesday before a scheduled Commission meeting at 10 a.m.

Meeting days, times and places may be changed if necessary and prior notification will be given as per Code of Alabama, 1975, Section 11-3-8. All meetings scheduled and held shall be in compliance with the Open Meetings Law (Code of Alabama 1975, 36-25A). Special meetings may be called with proper notice as set out in the law.

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Stanley Menefee, Chairman

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Gary Daly  
District I Commissioner

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James W. "Bill" Latimer  
District III Commissioner

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Steve Turner  
District II Commissioner

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Ben Harrison  
District IV Commissioner

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The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; James W. "Bill" Latimer, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Ben Harrison and seconded by Steve Turner to approve the following Rules of Procedure.

### **Rules of Procedure Limestone County Commission**

#### **I. Scope of Rules.**

A. The following Rules of Procedure were duly adopted by the Limestone County Commission as required by the Alabama Open Meetings Act (Act 2005-40).

B. The following Rules of Procedure may be amended by affirmative vote of a majority of the members of the Commission. Provided; however, such changes in the Rules of Procedure shall not take affect until the next regular meeting of the Commission following the adoption of such change.

#### **II. Access to Meeting Facilities.**

A. Meetings Open to Public. All regular meetings of the Commission shall be open to the public as required by the Alabama Open Meetings Act (Act 2005-40).

B. Accessibility. All regular meetings of the Commission will be conducted in a building, which is open to the public.

C. Signs, Placards, Banners. For public safety purposes, no signs or placards mounted on sticks, posts, poles or similar structures shall be allowed in County Commission meeting rooms. Other signs, placards, and banners shall not disrupt meetings or interfere with others' ability to observe the meeting.

D. Weapons. For public safety purposes, the County Commission may establish rules for the removal of weapons from inside the meeting chamber.

#### **III. Quorum.**

A. Quorum. A majority of the members of the Commission shall constitute a quorum. No ordinance, resolution, policy, or motion shall be voted on and approved by the Commission unless a quorum is present in the meeting chamber while the vote is taken and the matter is approved by an affirmative vote of the majority of the members present and voting, unless otherwise required by Alabama law.

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B. Remaining in Chamber. During a Commission meeting, Commissioners should remain in the chambers at all times unless an emergency or illness should occur. A member of the Commission who leaves the meeting chamber shall not be included in the determination of quorum.

C. Abstaining from Voting. Any member of the Commission who is present in the meeting chamber may, when he or she determines it to be necessary, abstain from voting or otherwise participating in the proceedings related to a particular matter. Such commissioner who abstains but remains in the chamber shall be deemed to be present for the purpose of constituting a quorum but he or she shall not be deemed to be "present and voting" for the purpose of determining whether a motion has received an adequate number of affirmative votes for passage.

D. Loss of Quorum. In the event that a Commissioner departs a Commission meeting prior to adjournment, and the departure causes a loss of quorum, no further official action may be taken until or unless a quorum is restored, except to vote on a motion to adjourn. If, after a reasonable time not to exceed 15 minutes, the commission still lacks a quorum of its members, the meeting shall be automatically adjourned.

E. Failure to Obtain Quorum. Should no quorum attend within 30 minutes after the time appointed for the beginning of the meeting of the Commission, the Chair or in their absence, another Commissioner, shall announce that no quorum was present and that the meeting is cancelled. The names of the members present for the meeting shall be recorded in the minutes of the next meeting of the commission.

### **IV. Presiding Officer.**

A. Chair. The Presiding Officer is the Chair of the County Commission. The Chair presides at all meetings of the Commission. The Chair's responsibilities shall include, but not be solely limited to:

1. Open the meeting, ascertain that a quorum is present at the appropriate time and call the meeting to order, if a quorum is present.

2. Announce the business to come before the Commission, in accordance with the prescribed order of business.

3. All questions and comments are to be directed through the Chair. The Chair shall repeat every motion and state every question coming before the Commission, call for the vote and announce the decision of the Commission on all matters coming before it.

4. Preserve decorum and order, and in case of disturbance or disorderly conduct in the Commission chambers, may cause the same to be cleared or cause any disruptive individual to be removed.

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5. Call to order any member of the Commission who violates any of these procedures.
  6. Expedite business in every way compatible with the rights of the members.
  7. Remain objective. The Chair must remain objective and may only make a motion, second a motion or vote as provided in these Rules of Procedures.
  8. Declare the meeting adjourned when the Commission so votes, when a quorum is no longer present or at any time in the event of an emergency affecting the safety of those present.
- B. Absence of Chair. In the absence of the Chair or in the event of the Chair's inability to serve, another commissioner shall perform the duties and functions of the Chair, as determined by the Chair, until the Chair's return.

### **V. Order of Business.**

A. Official Agenda. There shall be an official agenda for every meeting of the Commission, including special and emergency meetings. As required by Alabama law, the official agenda for special and emergency meetings shall include only those items necessitating the holding of the special or emergency meeting.

The agenda for regularly-scheduled meetings shall identify the items to be considered and determine the order of business to be conducted at the meeting. All proceedings and the order of business at all meetings of the Commission shall be conducted in accordance with the official agenda. This agenda shall be established at a work session, at a date set by the commission. The official agenda may be amended or altered by an adopted motion to Suspend the Rules; motion must be seconded.

B. Agenda Format for Regularly-Scheduled Meetings. The official agenda for a regularly-scheduled Commission meeting shall be in substantially the form as set forth below:

1. Call to Order, Welcome
2. Public Comment from Citizens
3. Comment from Other Elected Officials, Department Heads or designated employee
4. Call of Roll to Establish Quorum
5. PLEDGE OF ALLEGIANCE
6. Approve Minutes
7. Approve Claims
8. Resolutions and Orders
9. Contracts, Agreements and Grants
10. Budget Revisions
11. Emergency Purchase

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12. Board Appointments
13. Out of State Travel
14. Award Bids
15. Personnel Actions
16. Engineer's Report
17. Other Business
18. Any Scheduled Public Hearings
19. Report of Officers
20. Adjourn or Recess

C. Public Comment from Citizens and Other Elected Officials, Department Heads or designated employee. Citizens and Other Elected Officials, Department Heads or designated employee that wish to be heard by the Commission shall be afforded such opportunity during the portion of the meeting so designated. Such comment shall be kept as brief as possible (3 minute time limit) in order that all citizens have an opportunity to speak. Comments shall be addressed to the Commission and shall not include any personal or other comments addressed at any member of the County Commission or commission employee. There shall be no debate and no action by the County Commission during this portion of the agenda.

D. Resolutions and Orders. No resolution or order of a permanent nature will be adopted at the meeting at which it is introduced unless majority consent is obtained for immediate consideration. Such consent will be indicated by roll call and the vote recorded in the minutes. Resolutions or propositions submitted to the Commission which require the expenditure of money will lay over until the next regular meeting, this rule will not apply to the current expenses, salaries or wages of officers or employees of the County, nor will it apply to contracts previously made.

E. Departure from Order of Business. Any departure from the order of business set forth in the official agenda shall be made only upon affirmative vote of all the members of the Commission present at the meeting.

F. Additions, Deletions, or Technical Corrections to Agenda. Deletions or technical corrections to the agenda may be considered by the Commission and adopted by the passage of a single motion approved by majority vote of those members in attendance at the meeting. Additions to the agenda shall only be made by affirmative vote of all the members of the Commission present at the meeting.

G. Announcing Agenda Items. The Chair shall announce each item on the agenda. The County Administrator, County Engineer, County Attorney or other appropriate staff member may then be called to present the item to the Commission, when appropriate.

H. Scheduled Public Hearings. The County Commission may conduct any public hearings during this portion of the commission meeting. Any notice required by law prior to the conduct of the public hearing shall be given by the County Commission. Individual speakers shall keep comments as brief as possible (3 minute time limit) in

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order that all citizens have an opportunity to speak. The Commission may either extend or reduce time limits, based on the number of speakers.

I. Reports of Officers. All members of the Commission will be given an opportunity to speak, make announcements or discuss an item for consideration.

J. Adjourn or Recess. A motion to adjourn will always be in order. The Chairman may recess any meeting until a later date when he deems it necessary to conduct County business before the next regular meeting.

### **VI. Rules of Debate.**

#### **A. Decorum.**

1. Every Commissioner desiring to speak should address the Chair, and upon said recognition by the Chair, should confine discussion to the question under debate.

2. A member once recognized should not be interrupted when speaking unless said member is being called to order. The member should then cease speaking until the Chair, without debate, determines the question of order. If in order, said member shall be at liberty to proceed.

3. No member will speak more than twice on the same subject without permission of the Chair.

4. A member shall be deemed to have yielded the floor when he or she has finished speaking. A member may claim the floor only when recognized by the Chair.

#### **B. Motions.**

1. A motion and a second to the motion is to precede any action or debate on an agenda matter unless there are speakers (who are not members of the Commission) to be heard on the agenda matter.

2. All motions shall be made and seconded before debate may proceed.

3. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except motions to adjourn, to lay on the table, to postpone, to carry over, to substitute, or to amend which shall have preference in the order in which they are listed.

4. Motions to "lay on the table" are made to end debate on a matter and to "remove" it from consideration by the body. The adoption of a motion to "lay on the table" has affect of defeating the original motion and that item shall not be considered again during the same meeting unless a motion to "reconsider" is adopted as provided herein.

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5. Motion to “postpone” or “carry over” must be made by stating the date or time for which the item shall be postponed or carried over. Should such a motion be adopted, the matter will be back before the commission at the first regular meeting of the commission following the expiration of the time for which it was postponed or carried over.

6. Motions to “substitute” or “amend” a motion are used to make changes or revisions in the original motion. Such motions are made only after the original motion has received a second but prior to the adoption of the original motion. If the motion to “substitute: or “amend” is approved, the Commission then must take the second vote to approve the motion “as substituted” or “as amended”, as the case may be.

7. Any Commissioner may move to close, or end, debate and “move the question” shall be non-debatable. A successful vote on the motion to “move the question” will end discussion of the item and a vote on all pending motions shall be taken immediately without the offering of any other motions. The Commissioner moving the adoption of the original motion shall have the privilege of making closing remarks (of not more than one minute) before the vote on the motion to “move the question” is taken.

8. County Commission Chair may not make or second a motion unless specifically authorized by law.

9. The following motions are not debatable and must be voted upon without debate: to adjourn; to lay on the table; and to move the question.

### **C. Motions to Amend.**

An amendment to a motion must be germane, that is, it must relate to the substance of the main motion. An amendment may not introduce an independent question, and an amendment may not serve as the equivalent of rejecting the original motion. A Commissioner may amend the main motion in either of the following two ways:

1. By Consent of the Members. The Chair, or another Commissioner through the Chair, may ask for certain changes to be made to the main motion. If there are no objections from the maker of the motion, the motion shall stand as amended.

2. Formal Amendment. An amendment may be presented formally by moving to amend the motion in some way. If it is in the form of a formal motion to amend, a second shall be required and discussion shall follow on the amendment. If an amendment passes, the main motion shall be the motion as amended. If it fails, the motion shall be the motion as it was before the amendment was presented.

### **D. Motions to Reconsider.**

A motion to reconsider any vote or proceeding of the Commission may only be made and seconded by a Commission Member who had previously voted on the prevailing side. Such motion must be made before the conclusion of the meeting during which the

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original motion was made and approved. A motion to reconsider must be adopted by a majority of those members of the Commission present and voting.

### **VII. Voting.**

A. Voice Vote; Secret Ballots. Unless otherwise directed by the Chair or requested by a member of the Commission, all votes shall be taken by voice. No vote may be taken by secret or paper ballot.

B. Tabulating the Vote. The Chair shall call the Commissioners, for the purpose of announcing his or her vote. The Chair, whose decision shall be final, shall announce the results. The yeas and nays shall be recorded at roll call. Upon any roll call, there shall be no discussion by any Commissioner after the roll call has begun.

C. Voting. Every member in the Commission meeting room or chamber when the question is put must give his or her vote, unless the member has publicly stated that he or she is abstaining.

D. Voting by Chair. Unless otherwise authorized by law, officials holding the office of County Commission Chair who do not represent a district shall only vote in those cases when his or her vote would break a tie vote. A Commissioner who is serving as Chair shall vote when his or her district number is called. Such Chair shall only vote once on each motion and shall not cast an additional vote to make or break a tie vote.

E. Absent for Vote; Changing Vote. Any Commissioner absent for a vote on a particular item may record his or her vote, and any Commissioner may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first, but not thereafter, except with the consent of all the Commissioners who voted thereon.

F. Majority Vote; Extraordinary Majority Vote; Tie Vote. The passage of any motion, policy, ordinance or resolution shall require the affirmative vote of at least the majority of the members of the Commission who are present and voting. If an extraordinary majority vote is required by Alabama law, this shall require the affirmative vote of an extraordinary majority of the members of the Commission who are present and eligible to vote. In the case of a tie in votes on any proposal, the proposal fails.

### **VIII. Public Input: Addressing the County Commission.**

A. Public Input. The Commission recognizes the importance of allowing citizens to express their opinions on the operation of County government and encourage public participation in the local government process. The Commission also recognizes the necessity for conducting orderly and efficient meetings in order to complete County business in a timely manner.

B. Procedure for Public Input



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1. At regularly scheduled County Commission meetings, the Commission provides comment periods for citizens to speak and to offer input and comments on items pending before the commission as well as items that are of concern to the public. The remarks of each speaker shall be kept as brief as possible in order that all citizens have an opportunity to speak.

2. A form will be provided for those citizens who wish to make comments. Each person wishing to speak must sign this form prior to the beginning of the Public Comment portion of the agenda.

3. Any citizen wishing to make written comments may provide those to the Administrator before the conclusion of the meeting. A copy of the written comments will then be provided to the members of the commission.

4. Members of the public are encouraged to communicate directly with their Commissioner prior to or after the commission meeting.

### **C. Addressing the Commission.**

1. The speaker shall give the following information in an audible tone of voice:

- (a) name;
- (b) place of residence or business address;
- (c) if requested by the Chair, the person may be required to state whether the person speaks for a group of persons or a third party, if the person represents an organization, whether the view expressed by the person represents an established policy or position approved by the organization, and whether the person is being compensated by the organization.

2. All remarks shall be addressed to the Commission as a body and not to any member thereof.

3. No person, other than a member of the Commission, and the person having the floor, may be permitted to enter into any discussion, either directly or through a member of the Commission, without permission of the Chair. No question may be asked except through the Chair.

4. Speakers should make their comments concise and to the point, and present any data or evidence they wish the Commission to consider. No person may speak more than once on the same subject unless specifically granted permission by the Chair.

### **D. Decorum.**

1. Order must be preserved. No person shall, by speech or otherwise, delay or interrupt the proceedings or the peace of the Commission, or disturb a person having the floor. No person shall refuse to obey the orders of the Chair or the Commission. Any person making irrelevant, impertinent, or slanderous remarks or who becomes

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boisterous while addressing the Commission shall not be considered orderly or decorous. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand may be cautioned by the Chair and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned may be barred from making any additional comments during the meeting by the Chair, unless permission to continue or again address the Commission is granted by the majority of the Commission members present.

2. If the Chair declares an individual out of order, he or she will be requested to relinquish the podium. If the person does not do so, he or she is subject to removal from the Commission Chamber or other meeting room.

3. Any person who becomes disruptive or interferes with the orderly business of the Commission may be removed from the Commission Chambers or other meeting room for the remainder of the meeting.

### **VIII. Executive Session.**

The commission is authorized to enter into executive session as provided in The Alabama Open Meetings Act (Act 2005-40).

### **IX. Committees.**

The Chair, with the consent of the Commission, may appoint committees as may be needed to assist in the business of the Commission. The meetings of the Committees shall be governed by the Rules of Procedures. All such committees shall be provided a formal charge and shall report to the Commission its findings and recommendations, unless otherwise directed.

### **X. Adjournment.**

No meeting should be permitted to continue if a quorum is not present. The commission may adjourn by majority vote.

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Gary Daly, aye; Steve Turner, aye; James W. "Bill" Latimer, aye; and Ben Harrison, aye. Motion carries unanimously.

Commissioner Daly welcomed Commissioner Harrison and Commissioner Turner.

Commissioner Turner said he is glad to be here and looks forward to working with everyone and for the citizens of Limestone County. He stated that his phone number is published and anyone can call if they need him.

Commissioner Latimer said he is looking forward to working with the two new commissioners.

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Commissioner Harrison expressed his appreciation and is looking forward to working with everyone.

Adjourned at 9:07 a.m. for the regularly scheduled Work Session, November 10, 2010.